

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1, 7-15, 17-20, and 22-25 are pending in the application. The Examiner additionally stated that claims 1, 7-15, 17-20, and 22-25 are rejected. By this communication, no claims are cancelled nor amended. Hence, claims 1, 7-15, 17-20, and 22-25 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

In the Claims

Double Patenting Rejections

The Examiner issued provisional rejections of claims 1, 7-15, 17-20, and 22-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending application No. 10963427 (Docket: CNTR. 2240).

Since the mailing date of the instant office action, copending application No. 10963427 has been issued as U.S. Patent No. 7921300.

With regard to claims 1, 7-15, 17-20, and 22-25, Applicant provides herewith a terminal disclaimer to obviate a double patenting rejection over a prior patent that the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 7921300 (Docket: CNTR.2240). In making the disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior

to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Accordingly, Applicant respectfully requests that the examiner withdraw the rejections of claims 1, 7-15, 17-20, and 22-25.

CONCLUSIONS

Applicant believes this to be a complete response to all of the issues raised in the instant office action and further submits, in view of the amendments and arguments advanced above, that claims 1, 7-15, 17-20, and 22-25 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicant also notes that any amendments made by way of this response, and the observations contained herein, are made solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), and are furthermore made without prejudice to Applicant under this or any other jurisdictions. It is moreover asserted that insofar as any subject matter might otherwise be regarded as having been abandoned or effectively disclaimed by virtue of amendments made herein and/or incorporated in attachments submitted with this response, Applicants wishes to reserve the right and hereby provides notice of intent to restore such subject matter and/or file a continuation application in respect thereof.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

Respectfully submitted,
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Date: _____